

FILED  
US DISTRICT COURT  
DISTRICT OF ALASKA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

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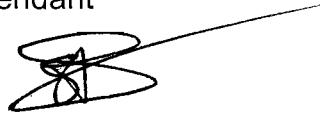
UNITED STATES OF AMERICA, )  
 ) No. J05-0004 CR (JWS) HRH  
Plaintiff, )  
 )  
vs. )  
 )  
RONN L. ROSEBERRY, aka )  
"ROSIE," )  
BETTY J. DUVALL, )  
TWILA JO DAVIS, )  
SUSAN C. McKITRICK and ) **DEFENDANT**  
SABRENA VITCOVITCH, ) **TWILA DAVIS'S**  
 ) **NON-OPPOSED**  
Defendants. ) **MOTION TO CONTINUE**  
 ) **IMPOSITION OF SENTENCE**

Excludable delay under 18 U.S.C. § 3161(h), delay attributable to filing by defendant, may occur as a result of the filing or granting of the present document or the relief requested.

Defendant Twila Jo Davis moves the court to continue her imposition of sentence proceeding for approximately 30 days, or from January 9, 2006 to approximately February 9, 2006, for the reasons set forth in the attached Memorandum and as attested to in the attached Affidavit of Counsel. Undersigned counsel contacted AUSA James Goeke, counsel for the Government, and Mr. Goeke stated that the Government does not oppose the present motion and the granting of the relief requested.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of Dec., 2005 at Anchorage, Alaska.

Sterling & DeArmond, P.C.  
Counsel for Defendant  
Twila Jo Davis

By:   
\_\_\_\_\_  
Scott A. Sterling  
Bar No. 8706053

**Sterling & DeArmond**

851 E. Westpoint Drive Suite 201 Wasilla, Alaska 99654  
(907) 376-8076 www.dlsalawyers.net FAX (907) 376-8078

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served by  
(U.S. Mail, first class, postage-prepaid)(fax)(delivery), on the 15<sup>th</sup> day of  
Dec., 2005 upon:

AUSA James Goeke  
Office of U.S. Attorney for Alaska  
222 West 7<sup>th</sup> Avenue  
Anchorage, Alaska 99513  
Counsel for Plaintiff  
United States of America  
Fax: (907) 271-1500

And upon:

USPO Patricia Wong  
U.S. Court Pretrial/Probation  
222 West 7<sup>th</sup> Avenue  
Anchorage, Alaska 99513  
Fax: (907) 271-3060

By: 

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	No. J05-0004 CR (JWS) <sup>HRH</sup>
Plaintiff,	)	
	)	
vs.	)	
	)	
RONN L. ROSEBERRY, aka	)	
"ROSIE,"	)	
BETTY J. DUVALL,	)	
TWILA JO DAVIS,	)	<b>MEMORANDUM:</b>
SUSAN C. McKITRICK and	)	<b>DEFENDANT</b>
SABRENA VITCOVITCH,	)	<b>TWILA DAVIS'S</b>
	)	<b>NON-OPPOSED</b>
Defendants.	)	<b>MOTION TO CONTINUE</b>
	)	<b><u>IMPOSITION OF SENTENCE</u></b>

Twila Davis moves to continue her imposition of sentence proceeding for the following reasons.

1. The draft PSR sets forth in considerable detail the statements of certain individuals, including certain co-defendants, which implicate Ms. Davis. The draft PSR posits that a low-end Guideline sentence for Ms. Davis is 188 months imprisonment. Faced with those circumstances Ms. Davis has unequivocally advised undersigned counsel that she wishes to object to, challenge and contest at an adversarial hearing those statements. In order to make intelligible objections to the draft PSR and formulate a proper motion for a contested evidentiary hearing in connection with her sentencing, it is necessary for undersigned counsel and Ms. Davis to confer.

2. There is not enough time between the present date (December 14) and the date for the sentencing hearing (January 9) for counsel to travel to FDC Sea-Tac, confer with Ms. Davis, file objections to the draft PSR, process the responses of the PSR writer and the final PSR, file a motion for a contested evidentiary hearing and otherwise be properly prepared for sentencing.

3. Counsel for Ms. Davis and counsel for the Government have informally agreed to meet and discuss the draft PSR, prior to any motion practice or objections being filed, in order to try to resolve disputed or contested issues affecting Ms. Davis's sentence. The requested continuance will enable counsel to have adequate time in which to engage in that process.

3. It is barely practicable logistically to schedule CJA travel between Anchorage and Seattle during the week preceding Christmas Day. In addition, undersigned counsel is due to appear before Judge Sedwick in United States v. Joshua Pluid, et al, No. A05-0108 CR (JWS) on December 21, 2005 for a status conference. In short, any travel to visit and confer with Ms. Davis should (a) await the outcome of discussions between counsel, and (b) not occur until after the Christmas holiday.

Granting a continuance of the sentencing for approximately 30 days will enable counsel to confer and attempt to resolve sentencing issues without the necessity of motion practice and/or a contested hearing. The requested continuance will also enable counsel to arrange on practicable basis travel to FDC Sea-Tac to meet and confer with Ms. Davis in advance of sentencing.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of Dec., 2005 at

Anchorage, Alaska.

Sterling & DeArmond, P.C.  
Counsel for Defendant  
Twila Jo Davis

By:   
Scott A. Sterling  
Bar No. 8706053

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	No. J05-0004 CR (JWS)
Plaintiff,	)	
	)	
vs.	)	
	)	
RONN L. ROSEBERRY, aka	)	
"ROSIE,"	)	
BETTY J. DUVALL,	)	STATEMENT OF
TWILA JO DAVIS,	)	NON-OPPOSITION TO
SUSAN C. McKITRICK and	)	DEFENDANT
SABRENA VITCOVITCH,	)	TWILA DAVIS'S
	)	NON-OPPOSED
Defendants.	)	MOTION TO CONTINUE
	)	<u>IMPOSITION OF SENTENCE</u>

Plaintiff United States of America by and through undersigned counsel hereby states that the Government does not oppose the motion of defendant Twila Davis to continue her sentencing hearing for and on the grounds set forth in that motion.

DATED this 19th day of December, 2005 at Anchorage, Alaska.

TIMOTHY BURGESS  
UNITED STATES ATTORNEY FOR ALASKA

By:   
James Goeke  
Assistant United States Attorney



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IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,	)	
	)	No. J05-0004 CR (JWS) <sup>HRH</sup>
Plaintiff,	)	
	)	
vs.	)	
	)	
RONN L. ROSEBERRY, aka	)	
"ROSIE,"	)	
BETTY J. DUVALL,	)	
TWILA JO DAVIS,	)	<b>AFFIDAVIT OF COUNSEL:</b>
SUSAN C. McKITRICK and	)	<b>DEFENDANT</b>
SABRENA VITCOVITCH,	)	<b>TWILA DAVIS'S</b>
	)	<b>NON-OPPOSED</b>
Defendants.	)	<b>MOTION TO CONTINUE</b>
	)	<b>IMPOSITION OF SENTENCE</b>

Scott A. Sterling being duly sworn declares:

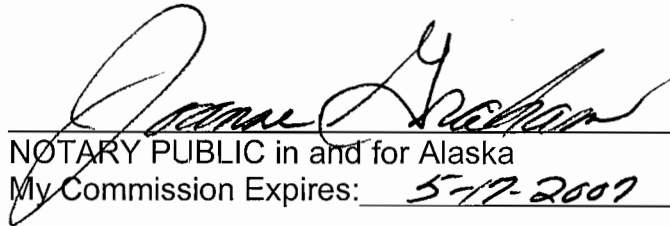
1. I am counsel for defendant Twila Jo Davis. This affidavit supports her motion to continue her sentencing.
2. The facts, circumstances and grounds for continuing Ms. Davis's sentencing proceeding as set forth in that motion are all true, correct and complete to best of my knowledge and belief.
3. On December 14, 2005 I spoke with AUSA James Goeke and he advised that the Government would not oppose that motion. I also spoke with USPO Wong and advised her that Ms. Davis would be seeking a continuance and a new date by which to file objections to the draft PSR.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
Scott A. Sterling

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of December,  
2005 at Wasilla, Alaska.



  
NOTARY PUBLIC in and for Alaska  
My Commission Expires: 5-17-2007

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